

## Message Text

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C O N F I D E N T I A L SANTIAGO 722

E.O. 11652: GDS

TAGS: CI, PINT, PINS, SHUM

SUBJECT: EUGENIO VELASCO ABSOLVED

REF: A. SANTIAGO 6632; B. SANTIAGO 7335

1. SUMMARY. PROMINENT LAWYER EUGENIO VELASCO, OUTSPOKEN CRITIC OF GOC'S HUMAN RIGHTS PRACTICES, HAS BEEN ABSOLVED BY COURTS OF ALL CHARGES BROUGHT BY GOVERNMENT AGAINST HIM. END SUMMARY.

2. VELASCO WAS ORIGINALLY INVESTIGATED IN LATE OCTOBER BY A MILITARY PROSECUTOR ON CHARGES OF VIOLATING INTERNAL SECURITY LAW AS RESULT OF HIS FORTHRIGHT CRITICISMS WITHIN BAR ASSN. OF GOC HUMAN RIGHTS PRACTICES (REF A). VELASCO ASKED CIVIL APPEALS COURT FOR DECISION ON JURISDICTION OF MILITARY TRIBUNAL; WHEN COURT RULED CASE SHOULD COME UNDER PENAL CODE AND CIVIL SYSTEM, MILITARY PROSECUTOR DECLARED HIS LACK OF JURISDICTION (REF B). CIVIL PROSECUTOR THEN RULED THERE WAS INSUFFICIENT EVIDENCE AGAINST VELASCO TO GO TO TRIAL (REF B). GOVERNMENT SUBSEQUENTLY REQUESTED EXAMINING MAGISTRATE TO OVERRULE PROSECUTOR; MAGISTRATE REFUSED; GOVERNMENT APPEALED MAGISTRATE'S DECISION TO APPEALS COURT; AND APPEALS COURT UPHELD MAGISTRATE PROSECUTOR'S ORIGINAL DECISION NOT TO PROSECUTE VELASCO. GOVERNMENT LET PERIOD PASS IN WHICH IT COULD MAKE FINAL  
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APPEAL TO SUPREME COURT, AND CASE IS NOW DEFINITELY CLOSED.

3. COMMENT: OUTCOME OF CASE IS NOT ONLY PERSONAL INDICATION FOR VELASCO BUT ALSO HEARTENING TO THOSE WHO WISH TO SEE CIVIL COURTS TAKE MORE ACTIVE ROLE IN HUMAN RIGHTS CASES AND STAND UP TO GOC ON CASES SUCH AS VELASCO'S WHICH ARE HIGHLY CHARGED POLITICALLY.

4. ONE PROMINENT LAWYER SAID GOVERNMENT'S MISTAKE WITH VELASCO HAD BEEN IN HAVING PRESSED CHARGES AGAINST HIM, RATHER THAN SIMPLY DETAINING HIM, AS IT ORDINARILY DOES WITH ITS CRITICS. ONCE COURT PROCESS BEGAN AND MERITS OF CASE WERE CONSIDERED, GOVERNMENT HAD TO LOSE.

5. GOC DID NOT DETAIN VELASCO BECAUSE DETENTION OF PERSON OF HIS STATURE WOULD HAVE CREATED A CONSIDERABLE STORM. (FUENTEALBA EXPULSION CAME LATER). IT HOPEFULLY HAS LEARNED NOW THAT ITS PRESENTATIONS TO COURTS MUST BE ON FIRMER GROUND.  
POPPER

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